THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.17259 OF 2007

O R D E R :

The 1st petitioner is an association of Lingayats and the 2nd petitioner is its secretary.

2. They filed this Writ Petition challenging G.O.Ms.No.834 Revenue (Endowments II) Department dt.19.06.2007 issued by the 1st respondent in exercise of power under Section 154 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') granting exemption from the provisions of Section 6 of the Act in respect of control and management of affairs of Sri Nidimaidi Jangam Mutt, Nidumamidi Village, Puttaparthi Mandal, Ananthapur District(3rd respondent), which is a branch of the Moola Mutt called as Sri Srisaila Nidumamidi Jangadguru Mahasamsthanam situated in Guluru Village, Bagepalli Taluq, Kolar District of Karnataka State.

3. In the above G.O. it is stated by the 1st respondent that the main Mutt is situated in Karnataka State and the laws of that State would cover the branches of that institution as per the decision of the Supreme Court in ***Anant Prasad Lakshminiwas Ganeriwal, Appellant(in C.A.No.140/60) and Petitioner (in Petn.No.86/60) v. State of A.P. and others (Respondents in both matters)***[1] and therefore at the request of Peetadhipathi of 3rd respondent the said institution's branch at Nidumamidi village of Puttaparthi Mandal is deleted from the list published under Section 6 of the Act.

4. Counsel for the petitioners contends that the said G.O. passed by the 1st respondent is contrary to law; that the Act would apply even to endowments which are not registered as per Section 1(3)(b) thereof; and the power of exemption can be granted only if affairs of institution

are well managed. He contends that according to the letter of the Principal Secretary to Government, Endowments Department, A.P. Secretariat, Hyderabad addressed to the Commissioner, Hindu Religious Institutions & Charitable Endowments, Chamaraapet, Bangalore, dt.20.05.2006, the affairs of the Mutt were being mismanaged by the Peetadhipathi; and therefore, the exemption order granted under the said G.O. ought to be cancelled. He also disputed the fact that the main Mutt is situated in Karnataka State.

5. Counsel for the 4th respondent refuted the above contentions and referred to the letter dt.16.06.2006 of the Commissioner for Religious Institutions and Charitable Endowments, Karnataka State addressed to the Secretary to Government, Revenue (Endowments) Department, Andhra Pradesh Secretariat, Hyderabad, stating that the main Mutt called as Moola Mutt is situated in Guluru Village, Bagepally Taluq, Kolar District of Karnataka State; that the branches of the said Mutt are not registered since there is no provision under the repealed Mysore Act, 1927 to register the Mutt, although 4th respondent was recognized by the Government under the said Act. He also pointed out that after commencement of New Act with effect from 01.05.2003 Mutts are exempted from the purview of New Act in Karnataka.

6. Counsel for the petitioners has not disputed the principle laid down in ***State of Bihar v. Smt Charusila Dasi***[2] which was reiterated in ***Anant Prasad Lakshminiwas Ganeriwal***'s case(1 supra) that if a Mutt is located outside territory of the State of Andhra Pradesh, even if its properties are located within the State of Andhra Pradesh, the laws of the State of Andhra Pradesh would not apply to it.

7. In view of the same, the provisions of the Act will not apply to the 3rd respondent-Mutt, which is a branch Mutt of the Moola Mutt whose head quarters is situated in Karnataka State of which 4th respondent is

Peetadhipathi. This fact is acknowledged in G.O.Ms.No.834, dt.19.06.2007 issued by the 1st respondent while granting exemption from operation of Section 6 of the Act to the 3rd respondent-Mutt.

8. So, there is no illegality in the decision of the 1st respondent granting exemption to the 3rd respondent-Mutt under Section 154 of the Act from the provisions of Section 6 of the Act for the purpose of control and management of affairs of the 3rd respondent-Mutt.

9. Therefore, the Writ Petition is without any merits and it is accordingly dismissed. However, this will not preclude the petitioners from establishing in an appropriate forum that the main Mutt of the 3rd respondent-Branch Mutt, is not located in Karnataka State. There shall be no order as to costs.

10. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

29th February, 2016.
gra

[1] AIR 1963 SC 853 (V.50 C 130)
[2] 1959 SC 1002(V.46)